

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re

JOHN LONG,

Debtor.

No. 13-14134

DECLARATION IN SUPPORT OF *EX*  
*PARTE* MOTION FOR 2004  
EXAMINATION

Kathryn A. Ellis declares and states as follows:

1. I am the attorney for the Chapter 7 Trustee of the estate of Frank Gan and Lisa Fernandez, Bk. No. 12-22686, have testimonial knowledge of the facts set forth in this declaration and am competent to testify thereto. This declaration is made in support of the Trustee's request for a 2004 Examination of the debtor, John Long.

2. Prior to the filing of the Gan/Fernandez Bankruptcy Petition, Gan/Fernandez received funds in excess of \$455,000.00 from Foss Maritime Company. Gan/Fernandez transferred the funds to their attorney's trust account. To date, wholly inadequate documentation has been provided regarding Mr. Long's receipt and disposition of the funds. In order to adequately investigate the Gan/Fernandez case, and all avoidance claims, it is necessary to examine the debtor regarding the transfers, and obtain bank records in connection therewith.

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**DECLARATION IN SUPPORT OF *EX PARTE*  
MOTION FOR 2004 EXAMINATION - 1**

KATHRYN A. ELLIS, ESQ.  
600 Stewart St  
Suite 1300  
Seattle, WA 98101  
(206)682-5002

3. In accordance with the above, the Court is requested to allow the examination of the debtor pursuant to BR 2004.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

Dated this 24<sup>th</sup> day of September, 2013 at Seattle, Washington.

/s/ Kathryn A. Ellis

Kathryn A. Ellis

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**DECLARATION IN SUPPORT OF *EX PARTE*  
MOTION FOR 2004 EXAMINATION - 2**

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